

CANON 5--JUDGES SHALL REGULATE THEIR EXTRAJUDICIAL  
ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT  
WITH THEIR JUDICIAL DUTIES

- (A) Avocational Activities. Judges may write, lecture, teach, and speak on nonlegal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of their office or interfere with the performance of their judicial duties.

Comment

Complete separation of judges from extrajudicial activities is neither possible nor wise; they should not become isolated from the society in which they live.

- (B) Civic and Charitable Activities. Judges may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties. Judges may serve as officers, directors, trustees, or nonlegal advisors of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:
- (1) Judges should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before them or will be regularly engaged in adversary proceedings in this state's courts.

Comment

The changing nature of some organizations and of their relationship to the law makes it necessary for judges to reexamine regularly the activities of each organization with which they are affiliated to determine if it is proper for them to continue their relationship with it. For example, in many jurisdictions charitable hospitals are now more frequently in court than in the past.

- (2) Judges should not use the prestige of their office to solicit contributions for any educational, religious, charitable, fraternal, or civic organization, but they may be listed as officers, directors, or trustees of such an organization. They should not be speakers or the guest of honor at an organization's fund raising events, but they may attend such events.
- (C) Financial Activities.
- (1) Judges should refrain from financial and business dealings that tend to reflect adversely on their impartiality, interfere with the proper performance of their judicial duties or exploit their judicial position.

- (2) Judges should not involve themselves in frequent business transactions with lawyers or persons likely to come before the court on which they serve.
- (3) Subject to the requirements of Canon 5(C)(1) and (2), judges may hold and manage investments, including real estate, and engage in other remunerative activity, but should not serve as officers, directors, managers, advisor or employees of any business.

Comment

See Application of the Code of Judicial Conduct, Section (B).

- (4) Judges should manage their investments and other financial interests to minimize the number of cases in which they are disqualified. As soon as they can do so without serious financial detriment, they should divest themselves of investments and other financial interests that might require frequent disqualification.
- (5) Judges should not accept, and should urge members of their families residing in their households not to accept a gift, bequest, favor or loan from anyone except as follows:
  - (a) judges may accept a gift incident to a public testimonial to them; books supplied by publishers on a complimentary basis for official use; or an invitation to judges and their spouses to attend a bar-related function or activity devoted to the improvement of the law, the legal system or the administration of justice;
  - (b) judges or members of their families residing in their households may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;
  - (c) judges or members of their families residing in their households may accept any other gift, bequest, favor or loan only if the donor is not a party or other person whose interests have come or are likely to come before the judge, and the judge reports it in the same manner as compensation is reported in Canon 6(C).

Comment

This canon does not apply to contributions to a judge's campaign for judicial office, a matter governed by Canon 7.

- (6) Judges are not required by this code to disclose their income, debts, or investments, except as provided in this canon and Canons 3 and 6 or as otherwise required

by law.

#### Comment

Canon 3 requires judges to disqualify themselves in any proceeding in which they have a financial interest, however small; Canon 5 requires judges to refrain from engaging in business and from financial activities that might interfere with the impartial performance of their judicial duties; Canon 6 requires judges to report all compensation they receive for activities outside their judicial office. Judges have the rights of ordinary citizens, including the right to privacy of their financial affairs, except to the extent that limitations thereon are required to safeguard the proper performance of their duties. Owning and receiving income from investments do not as such affect the performance of a judge's duties.

- (7) Information acquired by judges in their judicial capacity should not be used or disclosed by them in financial dealings or for any other purpose not related to their judicial duties.
- (8) Subject to the limitations and requirements of Canon 6, judges may accept compensation and reimbursement of expenses for the solemnization of marriages, performed outside of regular court hours, pursuant to RCW 26.04.050.

(D) **Fiduciary Activities.** Judges shall not serve as executors, administrators, trustees, guardians or other fiduciaries, except for the estate, trust or person of members of their families, and then only if such service will not interfere with the proper performance of their judicial duties. As family fiduciaries judges are subject to the following restrictions:

- (1) Judges shall not serve if it is likely that as a fiduciary they will be engaged in proceedings that would ordinarily come before them, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which they serve or one under its appellate jurisdiction.
- (2) While acting as a fiduciary, judges are subject to the same restrictions on financial activities that apply to them in their personal capacities.

#### Comment

Judges' obligations under this canon and their obligations as a fiduciary may come into conflict. For example, judges should resign as trustees if it would result in detriment to the trust to divest it of holdings whose retention would place the judge in violation of Canon 5(C) (4).

- (E) **Arbitration.** Judges should not act as arbitrators or mediators or otherwise perform judicial functions in a private capacity unless expressly authorized by law.
- (F) **Practice of Law.** Judges shall not practice law. Notwithstanding this prohibition, judges may act pro se and may, without compensation, give legal advice to and draft or

review documents for members of their families.

- (G) Extrajudicial Appointments. Judges should not accept appointment to a governmental committee, commission or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice. Judges, however, may represent their country, state or locality on ceremonial occasions or in connection with historical, educational and cultural activities.

#### Comment

Valuable services have been rendered in the past to the states and the nation by judges appointed by the executive to undertake important extrajudicial assignments. The appropriateness of conferring these assignments on judges must be reassessed, however, in light of the demands on the judiciary created by today's crowded dockets and the need to protect the courts from involvement in extrajudicial matters that may prove to be controversial. Judges should not be expected or permitted to accept governmental appointments that could interfere with the efficiency, effectiveness and independence of the judiciary.

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